DOCUMENT RESUME

ED 108 346 EA 007 263

AUTHOR	Thompson, Dean; And Others
TITLE	Discipline and the Educational Rights of the Majority. OSSC Bulletin, Vol. 18, No. 9.
INSTITUTION	Oregon School Study Council, Eugene.
PUB DATE	May 75
NOTE	31p.
AVAILABLE FROM	Oregon School Study Council, 124 College of Education, University of Oregon, Eugene, Oregon 97403 ($1.50, quantity discounts)
EDRS PRICE	MF-$0.76 HC-$1.95 PLUS POSTAGE
DESCRIPTORS	*Administrator Attitudes; Delinquency; *Discipline; Discipline Problems; Due Process; Elementary Secondary Education; *Legal Responsibility; Metropolitan Areas; Noninstructional Responsibility; State Surveys; Student Rights; *Teacher Attitudes; *Urban Education

ABSTRACT

Discipline of disruptive students can create teaching problems, consume instructional time, and generate legal problems that hinder the rights of the innocent students to gain optimal education. An Oregon statewide survey reporting teacher attitudes toward discipline suggests that needed changes include a greater conformity to established school regulations, revision of the Oregon compulsory attendance law, and the establishment of alternative schools for deviant youth. The administrator attitude, reported by a senior high school vice-principal, reflects concern over rising juvenile crime and the apparent inability of police, juvenile court, and education agencies to punish or deter juvenile offenders. Inconsistencies in state laws are said to contribute to the problem. The legal perspective, reported by a school district attorney, suggests that due process is appropriate and necessary for protection of student rights, and that the law allows reasonable disciplinarey action and eventual expulsion for disruptive students. (DW)

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OSSC BULLETIN

DISCIPLINE AND THE EDUCATIONAL RIGHTS OF THE MAJORITY

by

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Daryl Girod
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Individual copy - $1.50
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EA 007 263

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INTRODUCTION

On Thursday, April 24, 1975, the Oregon School Study Council, the Oregon Association of Secondary School Administrators, and the Oregon Congress of Parents and Teachers sponsored a conference on school discipline in Salem, Oregon. The conference theme, "Disrupting Educational Rights of the Majority--A Need for Discipline?" proved to be of such interest that attendance had to be limited and representatives from many Oregon school districts were unable to attend.

To give conference participants some thought-provokers prior to the conference, excerpts of letters on this topic were mailed to registered participants in advance. Selected excerpts are quoted below.

"Our school was broken into three out of four weekends. The young people were apprehended, only a small portion of the stolen property was recovered. These youngsters were back in school the following Monday."

Sr. High School Principal

"I am leaving education after 17 years of teaching. One of my reasons is the undisciplined student that one encounters in today's classroom. Every day this year has been a hassle with students over some discipline problem. Their total lack of concern for each other is more serious than their disrespect for me."

Jr. High School Teacher

"We sometimes feel that the laws appear to be based on technicality and not common sense. There appears to be no consequences for juveniles today when they become involved in serious anti-social behavior or in illegal activities."

Sr. High School Principal

"Locker inspections were once a part of the regular school routine for housekeeping. With the present restrictions on inspections . . . [in effect] we provide a secure place at school for the storage of dope, liquor, and weapons. This is an infringement on the rights of innocent students."

Middle School Principal

"We had two students involved in a fight. As soon as the father of one of the boys was notified, the father came to school to 'beat up' the student who had been involved in the fight with his son. The father had to be physically restrained by a school administrator. When trying to press charges for disorderly conduct, the district attorney refused to issue a complaint on a technicality that the father should have been placed under arrest by the school official at that immediate time."

Sr. High School Principal

"The whole attitude toward dealing with student behavior has become legalistic and technical. Proper and accurate use of forms seems to be held in higher esteem than getting students to class."

Sr. High School Teacher

"After a school has done everything humanly possible not once but many, many times to correct a student's truancy, there is no place to turn for help. If and when the student refuses to attend school and when the parent says, 'I've done everything I can,' our present juvenile court system will do nothing concerning this matter."

Sr. High School Principal

"In our building the vice-principal spends too much time with paper [expletive deleted] and not enough contact with the students. We will all drown in paper eventually."

Sr. High School Teacher

The above quotes point up the concerns of individuals working daily with discipline. Public school discipline again heads the list of problems cited most often by Gallup Poll survey respondents. In fact, discipline has been named the number one problem of the schools in five of the last six years. New evidence of its importance comes from the special survey of high school juniors and seniors. An even higher percentage of this group names discipline as the leading problem faced by the local schools. 5

Is it your impression that stealing goes on a great deal, some, or very little in the local public schools?

Stealing	*High school juniors & seniors*
Goes on a great deal	*37%*
Some	*47%*

Are student gangs that disrupt the school or bother other students a big problem, somewhat of a problem, or not a problem in the local public schools?

Student Gangs	*High school juniors & seniors*
Yes, a big problem	*14%*
Somewhat of a problem	*40%*

Those attending the conference expressed an interest in the presentations prepared by the conference "provocators." Therefore, this Bulletin presents in edited form, the main points made by the speakers who represented legal, teacher, and administrator perspectives on the effect of school discipline or lack of discipline on students who are seriously pursuing their studies.

--Mary Dannen
Immediate Past President
Oregon Congress of Parents and Teachers

I. TEACHER PERSPECTIVE: DEAN THOMPSON

Dean Thompson, on leave from the Parkrose Public Schools, is a Research Assistant in the Field Training and Service Bureau, College of Education, University of Oregon. In the following remarks, he presents the results of a Bureau survey of Oregon school teachers on school discipline, suggests why teachers have difficulty dealing with specific problems, and recommends what changes are needed to help protect the rights of students who wish to seriously pursue their studies.

That school discipline is a matter of current public concern is reflected in two recent media stories. National television covered committee hearings on vandalism and crime in public schools and reported that vandalism cost us one half billion dollars last year, an amount of money that exceeds expenditures for textbooks during the same time period. The current issue of Newsweek quotes such frightening statistics as a 7,000 percent increase in assaults on teachers by students during the past 10 years.

Fortunately for education in our state, a current survey of Oregon teacher opinion on discipline expressed concerns that related more to maintaining an atmosphere conducive to learning, rather than efforts to merely survive in the classroom. The following material has been drawn from this survey of classroom teachers. The Field Training and Service Bureau, during the past month, asked questions of 90 teachers in 6 secondary schools in the metropolitan Portland area. Three high schools were from the Portland inner city, or as close to such an area as can be identified. The remaining three schools were from suburban areas in East Multnomah County. Whether such a sample is representative

of the state of Oregon must be an individual decision, but if we can believe most of what is written on the subject, the depth and variety of discipline problems encountered by metropolitan schools is as extensive as any to be seen.

Teachers were first asked whether they themselves regard discipline as a severe problem and were asked whether they believed those feelings were shared by administrators and parents. The consensus was that all three: teachers, parents and administrators do regard it as a vital issue. It is interesting to note that teachers feel that they and parents both regard the problem as considerably more serious than do administrators. As an aside, this opinion is in contrast to a study of New York state administrators which indicated that an average of 20 percent of administrative time was devoted to discipline and control matters.

Regarding support for their discipline efforts, however, teachers indicate that they receive a high level of support from their administrators, while only half of the teachers feel that parents are supportive. As to why parents are very concerned about discipline yet are unwilling to support teacher efforts, it is suggested that parents believe that strict discipline is good for other people's children, but there are generally extenuating circumstances in regard to their own.

The kinds of discipline problems sort out into two groups. First, those that are within the classroom, that are disruptive to the teaching process, and are the teachers' direct responsibility. Second, disruptions that fall outside the classroom such as halls, cafeteria, student lounge, and campus in general. In the first category, less

concern was expressed about actual disruptive behavior than about attitudinal problems. Teachers elaborated at some length about disinterested students, lack of responsibility and reticence to become involved. Surprisingly, teachers regard the problems of the second category as being more severe. While it might be easy to regard general campus problems as being of the nuisance variety, teachers almost universally reported that these difficulties have such an impact on general staff and student morale that the resulting educational climate adversely affects what they are able to accomplish in the classroom.

What then is the nature of these educationally debilitating problems which go on outside the classroom? The universal and long-standing problem of smoking on campus. All schools, both junior and senior high, mention the problem. Some schools have attempted to solve the problem by designating smoking areas. Contrary to what might be expected, schools with such areas report difficulties in controlling smoking as great as those schools without smoking areas.

Another problem outside the classroom is difficulty with youths on the school campus who are not enrolled as students. While a trespass law is on the books, great frustration is caused by the inability of school officials, police agencies and the court system to make effective use of it.

There is a growing concern about attendance. Playing "hookey" is nothing new to education. However, a major change seems to be that while students formerly skipped school for a particular purpose, whether to go to town or spend the day with friends, we now have the situation of students who come to school but simply neglect to attend

class, creating problems of how the campus will be supervised and by whom.

Responses to factual questions in the survey show possible reasons for the difficulties teachers have had in handling the problems just mentioned. Teacher responses reveal no clear-cut understanding as to their discipline responsibilities outside of the classroom. Within a given school, teachers reported a wide variety of perceptions as to the specific responsibilities for themselves, administrators, aides, and special officers. Such fuzziness as to who is in charge of what is perhaps responsible for half of the teachers responding that they felt that their school did not have clearly defined policies and procedures for maintaining discipline.

Teachers are generally critical of the recently defined "due process" regulations. While only one teacher in three feels due process procedures are actually inhibiting their effectiveness in the classroom, they deplore the legalistic atmosphere that they regard as more concerned with the technicalities of paper processes than with the ultimate effect on the students' education. The juvenile court system is especially criticized as an institution that deals impotently with severe offenders, and suceeds in convincing juveniles that they have certain rights that carry no commensurate responsibilities. It is pointed out that soft handling of offenders so distorts the offender's perception of justice that he is ill-prepared for the sudden punitive climate of an adult court that follows.

County social agencies such as counselors and juvenile homes were given low confidence ratings. Part of the social agency ineffectiveness

was charged to a lack of consistent and conscientious contact with the school, generally brought about by inadequate funding and insufficient staff size. Concern was also expressed that social agencies, which are directly responsible to politically elected officials, tend to reflect the capriciousness of the political arena.

What are the educational rights of the majority? How does that majority regard disruptive behavior? Three of four teachers believe that conscientious students resent it as an intrusion upon the purpose for which they are in school.

Referring to discipline, teachers in the survey were asked, "If you had the latitude to change schools in a manner that would help protect the rights of students who are serious in their pursuit of education, what would you do?" The responses fall into three general categories, all of which reflect an increased emphasis on tighter organization:

1. Greater insistence on conformity to school regulations:

   --A firm but fair approach seems to be needed--that would more clearly spell out for students, institutional expectations and the penalties for not living up to these expectations.

   --Abolish all rules not thought important enough to enforce; following this, enforce those deemed important.

   --Organize an aggressive staff inservice program focused on developing skills in student management.

   --Restructure administrative and counseling services to provide greater accessibility to students (current face-to-face contact between students and these people is either too limited or non-existent).

2. Readjustment of the compulsory attendance law:

   --Both the lowering and abolition of the compulsory attendance age are possibilities.

--An identical suggestion came from several sources--which would give a student the option for a free high school education at any time through age twenty. (The exercise of that option would be at the mutual agreement between student and high school.)

--If compulsory attendance were abolished, it would be even more imperative to enforce a get-tough exclusion policy which removed individuals unwilling to cooperate.

3. The establishment of alternative education programs for deviant youth (favored by three out of four teachers).

--Such programs would help both public education and the young people now alienated from current school patterns.

--The expense of these programs is recognized and support would need to come through federal funding or joint sponsorship by several school districts.

--A small number of teachers suggested the reverse of such a plan by proposing an alternative school plan that would establish highly traditional schools for those students who feel that their education is being diluted by extraneous interruptions.

All three of these considerations are based upon the idea that students unwilling to function within the conventional public school can be excluded from such a program.

The burden of obtaining an education through adapting to the public schools or taking advantage of alternatives would fall upon the individual young person. Society would take a calculated risk. The possibility of a sizable portion of our youth, too young for the labor force, unsocialized and uneducated is a serious question. However, the word from teachers is loud and clear: enough of wasted time and effort on a captive audience of unwilling learners!

To summarize then, what do we have? A large majority of students who resent the dilution of their education, a teaching staff and

administration who agree upon the seriousness of the discipline problem and the need for change, a mandate from patrons to take appropriate action.

Why are we in a position of uncertainty and confusion? I believe it is the result of our collective failure to face up to the fact that the public schools have a facet of their responsibility that can only be labeled as "custodial." We all agree that the best efforts of educators are in the areas of positive motivation, knowledge of the teaching area and skilled techniques of presentation. There is the other side of the coin, however. It is an almost universal complaint of beginning teachers that "they never taught us anything in college about how to handle discipline." Do we do much better in the field? I think not. While faculty meetings and staff conferences use some time in dealing obliquely with discipline problems through what could best be described as gripe sessions, these discussions are generally examples of <u>reacting</u> to existing problems rather than acting to develop preventative measures. The faculty that directly approaches the problem through careful thought that leads to mutually agreed upon philosophy and procedures is unfortunately infrequent. Until we meet the problem head-on, acknowledge that it is critical to our success, and and use the same time and effort that we currently devote to curriculum development or salary negotiation, we are turning our head in the hope that the problem will go away. The problem belongs to all of us, and it is not without importance--it is fundamental and essential, for the nature of the classroom affects and sometimes determines the nature of the other "more important" areas such as curriculum, salary

negotiation, etc. The problems of discipline should be studied and confronted by all--including the students themselves. That one administrator, designated as vice-principal in charge of discipline, can be responsible for such a complex issue is naive. Consistent, thoughtful, and integrated effort in this area is everyone's responsibility.

II. ADMINISTRATIVE PERSPECTIVE: DARYL GIROD, VICE-PRINCIPAL, DAVID DOUGLAS SENIOR HIGH SCHOOL

In his comments, Daryl Girod addresses the serious problem of juvenile crime in schools and the need for viewing and addressing the problem realistically. Only by making a unified community effort will order and balance be restored to schools.

For several years I have worked closely with the problem of juvenile crime. Unless we are willing to accept the fact that there is a serious juvenile crime problem in our schools today, we will soon be overwhelmed. Let me illustrate.

A. U. S. Senate subcommittee was recently told by Joseph Grealy, President of the National Association of School Security Directors, that schools have become "battlegrounds by day and targets for vandals at night," that a projection of "$500 million a year in school vandalism" is too low, and that "burglary losses last year totaled $243 million, fire losses $109 million, vandalism at least $102 million and related offenses cost $140 million." Grealy said further that "across the country during 1974, schools were the sites of an estimated 12,000 armed robberies, 204,000 aggravated assaults, 9,000 rapes and 270,000 burglaries." He further testified before the Senate subcommittee that he would be surprise if one in twenty offenses was reported to the police. These grave figures, although possibly somewhat exaggerated, are close enough to the truth to arouse alarm in all of us.

Recently in a high school building close to me there were ten fires in one day. There have been several assaults on teachers and

students--and a student was discovered with a .38 revolver in his possession in class. This is close to home and serious--a problem that can only get worse unless we who have some responsibility for young people organize ourselves to combat this rising hostility toward schools, school people, and society in general. These violent boys and girls must be dealt with realistically because they are not only disrupting and adversely affecting the educational process for the majority of our students, but they are creating fear and bitter resentment in both school and community.

My remarks forthcoming today should not be interpreted as representative of all school officials, or even of my own high school colleagues. They are simply personal experiences and reactions.

I have taught in the classroom for seven years and have been a high school counselor for four years. Presently I am an assistant principal in the senior building at David Douglas High School and have been in this position for six years. My primary responsibility is dealing with attendance and discipline for both boys and girls.

If we really try, most of us can faintly recall our own student days when the number of disruptions in the classroom, halls, rest rooms or on the school grounds were few and generally only minor. Possibly 5 percent of the students caused the problems, but they certainly were not adversely affecting the educational rights of the majority of students. Today this is no longer the case. We are now dealing with about 15 to 25 percent of our students and the incidents encountered are no longer minor in nature. A serious juvenile crime problem is reaching crisis proportions in Multnomah County. If we as

parents and school people fail to recognize this situation and take immediate and effective corrective measures, I believe the solutions to our problems will become more complex, more expensive, and obviously more difficult.

In the January 15, 1975 edition of The Community Press, an East-Multnomah County weekly newspaper, an article on the juvenile crime problem in Portland appeared. Mayor Neil Goldschmidt is quoted as saying, "The juvenile crime system is going bananas. Sixty percent of burglaries are committed by juveniles in Portland. We're being eaten alive." City Commissioner Mildred Schwab is quoted as facetiously stating, "My advice to juveniles is to steal your million and retire before you're fifteen."

Urban schools increasingly are encountering drug pushers, thieves, burglars, vandals, chronic truants, incorrigibles, runaways, and behavioral deviants. More and more we are confronted by students refusing to pursue an education, concealing weapons, mouthing filthy language, pulling false fire alarms, phoning in bomb threats and assaulting other students or teachers. Since most school officials do not have the training or expertise to deal with the "hard core" juvenile offender, we feel our hands are virtually tied in trying to educate this kind of young person.

An article in the March, 1975 issue of The National Observer entitled, "An 'A' in Violence," stated that a member of the National Commission on the Reform of Secondary Education surveyed a Portland high school which he described as one of the "newest, finest and most

innovative public high schools in Oregon, if not the nation." The author goes on to say that he stepped into a rest room and saw a group of older students shooting dice. One surly youth rushed up and snarled, "Get out." The gang spared the observer a beating but other students of this school told him he was lucky. It seemed that student gangs had taken over the lavatories for gambling and narcotic purposes, had barred other students and roughed up many who dared venture in. As a result, most students at this "model" school had to go to a nearby service station to use the toilet. The visiting official says he could not stimulate the school authorities to get "excited" about what he had learned.

If the above-mentioned school officials overlooked their school's gang activity, that would no longer be considered unusual. Many educators now accept student misconduct which was thought to be incredible and intolerable not long ago. This fact came out recently in an inquiry by The National Observer in a random nationwide survey of educators, parents, students and school security teams. The results indicated that teachers and administrators themselves admit to turning blind eyes to gross violations of rules, acting as if what they do not acknowledge seeing did not happen. It is true we may be guilty of this accusation, this sort of apathy, but our frustrations get to us and we feel we have nowhere to turn for support in handling the law violator.

Some county officials have placed a very low priority on corrective and rehabilitative measures for the crime-oriented juvenile. County budgeteers have reduced the facilities and personnel by 50 percent which has had a devastating effect on services previously

available to the supportive community agencies and the schools.

In January of this year, our PTA sponsored a special program entitled: "A Community Crisis: The Juvenile and the Law." Mr. Don Clark, Chairman of the Multnomah County Commissioners, presented his views and I was asked to discuss the frustrations of teachers and other school personnel in dealing with the very difficult student behavior problems. Mr. Clark stated, "All discipline problems can and should be handled by the teacher in the classroom." He also declared the schools should work with different types of children and try to understand them, "not boot them out of school." However, when pushed further, he said, "The problems are complex, and there is no easy answer."

County officials insist that locking up the juvenile offender is not the solution to the problem. We in the school business also recognize this to be true, but the juvenile who is a repeated offender, has not responded to school counseling, parental or school discipline, or to various forms of non-legal treatment should be isolated, at least temporarily, from society. The taxpayers and students desirous of an education have every right to expect this type of protection.

The approach some county officials have taken is to reorganize the juvenile court system and change the former philosophy of lock-up and outpatient treatment to a diversionary approach. Admittedly, the old system had flaws but why not examine the flaws, root them out, and replace them with positive action rather than destroy the system? This separation of the juvenile court from related community agencies, in my judgment, is partially responsible for the dilemma with which we

are faced today. The law-violating juvenile is no longer being held responsible for his actions. Presently he is flaunting the law in our faces because there are no meaningful consequences for his crimes.

It is baffling to me that a juvenile can commit a felonious crime at the age of seventeen or younger without any fear of significant punitive action. Yet, if this same juvenile commits the same crime on his eighteenth birthday, he may be handcuffed, taken to jail, fingerprinted, locked up with hardened criminals and slapped with a criminal record that undoubtedly will haunt him for the rest of his life. Are we really teaching our young people responsibility by eliminating the consequences of serious offenses if committed at an early age and "throwing the book at them" as soon as they reach eighteen years of age?

The police officers with whom I work are as frustrated as I. It reaches the point of "being ridiculous" when these officers apprehend the same juvenile three or four times for the same crime and this young person is never placed in detention for his repeated act. The natural result of this situation is that police officers and school officials tend to overlook juvenile offenses when they observe them taking place.

Because of the lack of court support and cooperation, the schools must rely heavily on suspensions and expulsions of repeated offenders. This action forces the juvenile out of school and places him on the street to commit other crimes, possibly with more serious consequences. Certainly this is not the solution to the problem, but we in the schools are left with no other alternative but to exclude the offender from association with his peers.

The crux of the problem, as I see it, lies in the absence of well-defined roles for the various community agencies working with juveniles. The schools are charged with teaching all young people; the police are charged with enforcing the laws, and the courts are responsible for upholding the laws. Each agency is directly tied to the other and cannot function effectively without the support of both of the others. In order for real cooperation to exist all agencies must have complete confidence in each other's referrals and ultimate decisions. It appears to me that the very essential confidence and support have eroded to the point of distrust and isolation. Somehow this trend must be reversed.

Those of us dealing with disruptive students also have been somewhat hindered by the requirement of complying with the due process clause of the federal Constitution. I could not agree more with the concept of "fair play" for each student found violating school rules, but I find myself wondering if the legal profession is using this "due process" concept as a means to enhance their law practice. Recently I suspended a girl for spitting in a teacher's face and was called by her attorney to be present at her readmission conference! Who is "calling the tune" here? School districts now find themselves in the position of hiring an attorney for consultation purposes regarding disciplinary decisions on the disruptive student. We must carefully pursue each problem with caution and follow the correct procedures prescribed in our complex rights and responsibilities document or the case will be appealed and overturned.

The legislature took it upon itself in 1973 to revise the state juvenile code. This has caused problems throughout the state and

obviously makes it difficult to really work with an offender. I feel this was done without much input to the legislature from those agencies which work daily with the juvenile.

Two years ago, the legislature "laid a bomb" on education when it informed schools that each student must acquire certain minimum educational competencies before he could receive a high school diploma. Worthy though acquiring these minimum essentials is, very little input was solicited by the legislature from the schools which must do the job of preparing these students academically. Most of the disruptive students are the ones with reading and learning problems when they reach the high school. It will become apparent to many of these boys and girls in the earlier stages that they will be unable to meet the necessary competencies to obtain a diploma and they will resort to unacceptable means of getting attention.

I view the manner in which the legislature has dealt with certain juvenile laws as both hypocritical and unrealistic. They lowered the smoking age but the schools are expected to teach the health hazards of tobacco. They liberalized the penalty for use or possession of marijuana yet the schools must deal with the student "under the influence" and teach the dangers of this drug. They have made school attendance compulsory until the age of eighteen, but an unwilling student is able to withdraw at age sixteen by mutual consent between the school and parent. At the same time they have developed minimum graduation requirements in which each student must gain certain competencies in various areas in order to obtain a high school diploma.

Personally, I feel these minimum graduation requirements will be good for education in that school administrators and teachers will be held accountable and the high school diploma will have more meaning. However, at the same time, the minimum requirements can virtually make it impossible for the slow learner or poor reader to achieve at the expected level, and he may either become a classroom disruption or a dropout and possibly even begin a life of crime.

Our legislators have been passing laws that govern schools and are placing heavy burdens upon us school people without hearing our side of the situation. Recently I was asked to testify before the Oregon House Judiciary Committee on the issue of "locking up the juvenile offender." I presented a prepared statement to this committee and answered several questions put to me. It truly amazed me how little these House members knew of the problems that schools now face daily with the disruptive student. From this experience I have become convinced that COSA, the Confederation of Oregon School Administrators, and teachers' groups must launch a strong lobbying program to inform legislators of the true situation in Oregon high schools. Only then can we improve our teaching conditions in the future.

One positive development is the move by many school districts to organize alternative schools for those students unable to cope with the regular school program. It will be another mistake, however, if we so water down our alternative schools that the "tuned out" student is allowed merely to "do his thing" and no expectations for intellectual growth, self-control and responsibility for his actions are placed upon him! It is true that removing the disruptive student from our

regular school program allows the majority of students to gain a better education, but we should not permit an alternative school to become a "holding pen" for these difficult young people. They truly should be exposed to a positive alternative program with emphasis placed on basic learning and the preparation for a vocation. For this kind of positive alternative we must carefully select understanding and committed teachers. If this does not occur, this type of program will be a "cop out" by educators.

Psychologists tell us that a person's personality is already established by the age of six. We know the disruptive child can be detected in the elementary schools, but unfortunately we have a long way to go to develop programs or to provide adequate counseling at this level. We need to work with parents better in order to re-channel adverse behavior before it reaches the point of hopelessness.

If we expect to bring sanity and order back into some of our schools and restore to the silent majority the right to gain the best education possible, it will take a unified effort on everyone's part. We, as educators, have an obligation to the taxpayers and to our students to create and maintain a school atmosphere that is truly conducive to learning as well as teaching. This is not an easy task but one which I feel can be helped by conferences of this type. Schools must take a good hard look at the permissive direction we have taken in the past. Hopefully by concerted effort, we can reverse the trend and make both ourselves and our students more accountable for our actions.

Although the specific opinions I have set forth here are my own, I know I am expressing the feelings of a large number of my fellow administrators when I say these problems are of the utmost concern to all of us. We administrators may differ regarding solutions, but we all are sincerely interested in the welfare and social adjustment of our young people. The dollar costs of high school crime and delinquency are really unimportant compared to the social and personal costs the students pay--the lack of educational opportunity, the discomfort, the fear and frustration--and no one now knows yet how high those costs are.

This brings to mind one further point I would like to make. The handling of discipline in the schools is extremely subjective in nature. It not only varies from district to district, but very often administrators within a school do not agree with each other. These inconsistencies create confusion among the staff, students and parents. I believe the present Oregon Revised Statutes dealing with discipline in the schools are broad enough to permit districts to make the necessary rules for properly governing themselves with more objectivity.

It seems inconceivable to me that one school district will allow an open campus and set aside smoking areas, while the neighboring district will not permit either. We are creating problems for ourselves by not being consistent in our rules within similar communities.

I would like to see the Confederation of Oregon School Administrators appoint a committee of competent educators to research and establish a framework of rules that all Oregon schools could endorse

and implement. If this were done for grades 1 - 12 students, parents and teachers would have a clearer idea of what to expect in any school in the state. This would make the job of school discipline an easier task.

Unless such a group of administrators takes a realistic look at the increasing seriousness of the juvenile crime problem in Oregon, as our population grows we will encounter the same surge of violence that Los Angeles, Chicago and other large cities are experiencing. I would foresee armed police patroling the halls of our schools in order to insure the safety of those trying to pursue an education! Why wait until the inevitable occurs? Let us act now!

III. LEGAL PERSPECTIVE: BILL PAULUS, ATTORNEY, SALEM SCHOOL DISTRICT

In his remarks, Bill Paulus, Salem attorney and legal counsel for the Salem Public Schools, suggested that school discipline would soon be recognized as an important and major field of study for lawyers. Because of discipline's complex and abstract nature, Mr. Paulus organized his presentation around the background material provided to the conference participants (see Introduction). Portions of his talk appear below in an edited and abridged form.

A lot of school people feel that they do not have the tools to control discipline. They are intimidated by the courts and by ACLU lawyers; e.g., intimidated by one lawyer who is trying to get his name in the newspapers or a parent who might be more aggravated at occurrences in the school community than other parents. Therefore the administrator is at times hesitant to exercise the clout which is provided by statutes and given by the court. However, many of the court decisions that we read about are an extract of court decisions. The Supreme Court of the United States does, from time to time, render monstrous, overwhelming decisions that scare everybody to death. But, if they are read carefully, these decisions reaffirm conditions that actually have been present in many communities all along. For example, we do have the power and authority to eliminate disruptive students from the classroom.

"Our school was broken into three out of four weekends. The young people were apprehended but only a small portion of the stolen property was recovered. The youngsters were back in school the following Monday."

There are tools provided by either school regulations or outlines

by the State Department of Education for punishing such students. But there is also another aspect--there is a state statute which permits us to get some compensation from parents for damages caused to institutions by their children's vandalism. When the parents realize that they are responsible for their children's activities in damaging school property, they might have a little more control in these matters at home. This is just one of the tools that school districts have.

"There is a concern about the laws which is apparently based on technicalities and not common sense. There appear to be no consequences for juveniles today when they become involved in serious antisocial behavior or illegal activities."

There are penalties that can be imposed. It is a matter of the proper form; reasonableness, not being arbitrary or capricious. I think that we have the ability to chastise students and to make them realize that if they want to operate within this society they had better start recognizing that they have responsibilities to their fellow students and to the school community as a whole.

"Locker inspections were once a part of the regular school routine for housekeeping. With the present restrictions on inspections . . . [in effect] we provide a secure place at school for the storage of dope, liquor, and weapons. This is an infringement on the rights of innocent students."

There is concern about locker inspections. I think that you can inspect lockers under reasonable circumstances to find alcohol, marijuana, bombs, guns, knives, and things of that character. I think you can go into lockers, in emergency situations, using discretion--your best judgment; i.e., with reasonableness. School personnel should not be intimidated by the question of search and seizure, or the question, "Are we going to be attacked or chastised or maligned because we have

taken this action?" Administrators have to use their best judgment in what they determine would be the best interest of the school at that point in time. Do not be afraid, at least in my estimation, to make a mistake--so long as you are using your best judgment and it is not arbitrary or capricious. In all the cases that have been handed down recently, school administrators and people dealing with school teachers have been afraid to take action because they were going to be challenged. They should not have that attitude. I realize it is difficult for the teacher who is in the classroom to recognize that fact, but I think you have to be definitive and forceful and affirmative in these matters of discipline or you will never be able to quell the problems that you have in the school community.

"Many people are unclear about expelling students. Why is it so difficult to remove disruptive students from school?"

We have, of course, statutes in the state which permit school districts to expel students for a period not to exceed the remainder of the term and the state department has set down guidelines.

A recent case which has disturbed a lot of people, Goss v. Lopez stated that the school has to have a due process type of hearing for suspensions that are up to ten days. It has been the general rule of thumb that removals of seven to ten days would require a full-fledged expulsion hearing with the right to examine witnesses and go through a fairly formalized process. A suspension of less than seven days has not required a due process type hearing.

In this state, at least in most districts I have represented, the guidelines of Goss v. Lopez have been carried out for some time.

Basically, if a student is going to be suspended, he is told why. He is not just yanked out of school, but is removed after a summary investigation of the facts. This, of course, is fundamentally fair to the student.

I think if it were your child that was being subjected to this type of summary activity, you would want him to have a "fair shake." You cannot go through a full-fledged criminal trial for each of these things, but there are some basic fundamental requirements that constitute giving notice and giving him a chance to rebut the charges. If school authorities still feel that such punishment should be dealt out, then I think they should take such action without being concerned about the action being overthrown. Here again, it is a matter of the administrators and the teachers realizing that while they have the authority, it must be exercised reasonably and it must be exercised with certain procedural aspects in mind.

The problems that we are having in our schools with discipline are correctable from a legal standpoint. At least you have the tools from the legal standpoint and the law is not against you. In fact, it is for the teacher and the administrator in attempting to handle discipline. But you have to keep in mind that the students do not leave their constitutional rights at the schoolhouse door, and that no matter what age they are and no matter what nationality or religion they might be, they each have a right to fundamental fairness in their day-to-day activities. That is why the court established these rules.

For too many years there was a "school can do no wrong" attitude that did not include a forum for the students to set forth views. It

is only fair that they have that right. However, one of the offshoots is that some students have taken advantage of the forum. They do not understand what their constitutional rights are and believe they have a carte blanche right to do what they want. This is where I think the administrators and school people have to take firm control of the situation. They have to start exercising the tools that they have to show students that they must be responsible if they want to stay in school. If students do not want to be responsible, then I think you have the proper procedures to expel them. Once they realize this, particularly the really destructive students, hopefully some of the problems will be corrected.

Two important publications in this area of school discipline are:

--*Publications of NOLPE (National Organization on Legal Problems of Education)*

--*The Courts and Student Conduct by Edmund Reutter, 825 Western Avenue, Topeka, Kansas 66606.*